

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

C.A. No. 5:22-cv-03092-EJD

6 KANYON SAYERS-ROODS,)
7 POWER-OF-ATTORNEY FOR)
8 ANN-MARIE SAYERS OF)
9 THE COSTANOAN INDIANS)
10 OF INDIAN CANYON;)
11)
12 KANYON SAYERS-ROODS)
13 (IN AN INDIVIDUAL CAPACITY))

15 Plaintiff(s)) (AMENDED) PROPOSED ORDER
16)
17 v.)
18)
19 MARLEAN RITA MACHADO)
20 Defendant)
21)

[PROPOSED] ORDER FOR TEMPORARY RESTRAINING ORDER

27 THIS MATTER having come before the Court on the Plaintiffs' Amended (Expedited) Motion for
28 Ex Parte Temporary Restraining Order as to Plaintiff's Cause Claim(s) No. 2 or No. 3, with respect
29 to PLAINTIFF KANYON SAYERS-ROODS, POWER-OF-ATTORNEY FOR ANN-MARIE
30 SAYERS OF THE COSTANOAN INDIANS OF INDIAN CANYON, or Indian trust land grantee
31 Ann-Marie Sayers of the Costanoan-Chualar Indians of Indian Canyon, who had/has held exclusively
32 authority to federal property, mail service contracts, or federal commerce involving the United States
33 Postal Service, whereby include the exclusive rights to a rural mailbox marked as ("Indian Canyon
34 Road") near Indian Canyon of Hollister, California, and incoming mail items postmarked by the
35 United States Postmaster General sent to Indian Canyon Road's rural mailbox; and Leave to the

1 Superior Court of California pursuant to 28 U.S.C. 1360 as to Plaintiff's Cause Claim No. 1, and the
2 Court, having reviewed such Motion and the Plaintiffs' Complaint, Supporting Affidavits and
3 Exhibits, and *a fortiori*, the USPS inspector general's declaration on Federal jurisdiction concerning
4 one or more claims in the instant case [EXHIBIT AA], this Court finds that the relief sought in such
5 Motion should be GRANTED.

6

7 In granting the Plaintiffs' Motion for (Expedited) Ex Parte Temporary Restraining Order (the
8 "Motion"), this Court finds as follows:

9

10 1. The specific facts alleged in Plaintiffs' Complaint Pursuant to Fed. R. Civ. P. 65(b) clearly
11 show that immediate and irreparable injury, loss, or damage will result to Plaintiff Kanyon Sayers-
12 Roods, as Power-of-Attorney for Ann-Marie Sayers of the Costanoan Indians of Indian Canyon, in
13 an individual capacity, unless this Court issues a temporary restraining order. Therefore, a temporary
14 restraining order should issue without prior written or oral notice to the Defendant.

15 2. As alleged in the Plaintiffs' Complaint and the Motion, Defendant Machado's conduct has
16 caused Plaintiff Sayers-Roods, Power-of-Attorney for Ann-Marie Sayers of the Costanoan Indians of
17 Indian Canyon, and Kanyon Sayers-Roods, in an individual capacity, to not receive letters sent by
18 government agencies concerning required filings and critical notices that affect Plaintiff Sayers-
19 Roods's work duties and obligations related to Costanoan Indian Research Inc., Chualar-Costanoan
20 Indian Tribal Land of Indian Canyon, and the ability to conduct commerce relative to Indian Canyon
21 (Federal trust land on Indian country), *inter alia* declared as cause claims in Plaintiffs' Complaint and
22 the Motion of Injunctive Relief, whereby extend beyond Indian Canyon, to a nearby healthcare
23 facility in Gilroy, California, and a federal (USPS) facility in Hollister, California.

1 3. Additionally, as alleged in the Plaintiffs' Complaint and the Motion, Defendant's conduct
2 caused, is causing, and continues to cause immediate and irreparable harm to Plaintiff Sayers-
3 Roods's active contractual duties as to her mother, Ann Marie Sayers (*Durable Power-of-Attorney*
4 *Agreement for Healthcare, Et Seq.*), and mail service agreements with the United States Postal
5 Service, and, by extension, the Indian Canyon Chualar-Costanoan Tribe and Native-American Indian
6 trust land allotted to Ann-Marie Sayers of the Costanoan Indians under documentation issued by the
7 Department of the Interior, as evidence presented by Plaintiff demonstrates.

8 4. As alleged in the Plaintiffs' Complaint, Defendant had willfully or negligently interfered with
9 incoming mail items sent by state and federal government agencies via United States Postal Service;
10 and likewise for incoming mail items sent to a rural mail box for tribal residents or tribal staff
11 residing on Indian Canyon Road in Hollister, San Benito County, California. Based on these
12 allegations, this type of harm cannot be remedied merely by monetary or other legal damages but
13 instead only can be prevented by the exercise of the court's equitable powers.

14 5. The irreparable harm to Plaintiff Kanyon Sayers-Roods outweighs any purported harm or
15 inconvenience to Defendant Marlene Machado. As alleged in the Plaintiffs' Complaint, the
16 continuing and threatened injury, and ongoing harassment, intimidation, or stalking by Defendant
17 Machado amid governmental proceedings or tribal activities, has precluded or enjoined Plaintiff
18 Kanyon Sayers-Roods, the Indian trust land allotted to Ann-Marie Sayers, or the Ann-Marie Sayers
19 of the *Chualar-Costanoan Indian Tribe of Indian Canyon*, from being able to duly uphold safety,
20 terms and conditions, or responsibilities, under the Durable Power-of Attorney Agreement of Ann-
21 Marie Sayers; uphold tribal land ordinances under the tribal band constitution; uphold compliance
22 with federal and state tax laws by filing necessary disclosures with the Internal Revenue Service,
23 California Franchise Tax Board, California Attorney General, or California Secretary of State; and

1 damage being caused to Plaintiffs' reputation and public image by Defendant, while the harm to

2 Defendant in this case, viewed in a light most favorable to her, **is being enjoined from:**

3 (1) holding herself out to the public as an authorized agent of Ann-Marie Sayers, Indian or
4 tax trust land allotted to Ann-Marie Sayers, or a tribal member or official of the Chualar-Costanoan
5 Tribe of Indian Canyon, California;

6 (2) from receiving, accessing, or opening incoming mail that is addressed to Plaintiff Kanyon
7 Sayers-Roods, or any person or entity that Plaintiff is serving as an authorized officer, employee,
8 official, or agent within the the limits of *Indian Canyon*;

9 (3) and accessing, collecting, or interfering with contracts, commerce, or postmarked mail
10 items at Indian Canyon Road's rural mailbox or post office box, or being physically within five
11 hundred feet of Indian Canyon Road's rural mailbox.

12 as a private citizen of the United States, who was at no time after orally and per written
13 notice being asked to leave Indian Canyon on or about March 8, 2022, was allowed to reside, camp,
14 or visit Indian Canyon, or possess or use marijuana, in Indian Canyon, Indian trust land held by
15 Plaintiff's mother, Ann-Marie Sayers of the Chualar-Costanoan Indian Tribe of Indian Canyon, as
16 the *Cease & Desist Notice* to Defendant Machado ["EXHIBIT U". See also *Exhibits Table* in supra.
17 D.I. 1 at 10], dated and signed on March 8, 2022, demonstrates.

18 6. An injunction prohibiting Defendant from causing tortious inference with federal commerce
19 with the United States Postal Service, or property injury to federal property of the United States
20 Postal Service, relative to Indian Canyon Road's rural mailbox, has federal jurisdiction in this Court.
21 Based on the facts alleged in the Plaintiff's Amended Complaint (Claims No. 2, 3), Plaintiff Sayers-
22 Roods, Power-of-Attorney for Ann-Marie Sayers of the Chualar-Costanoan Tribe of Indian Canyon
23 has a substantial likelihood of success as to the merits of its claims. For these reasons above, the

1 issuance of a Temporary Restraining Order in this matter is within the Court's sound discretion, in
2 conformity with Fed. R. Civ. P. 65, and necessary to protect further immediate and irreparable harm
3 to Plaintiff(s).

4

5 IT IS, THEREFORE, ORDERED that:

6 7. A. Defendant Marlene Rita Machado and all other persons in active concert or participation with
7 her are ordered to refrain from:

8 i. Purporting to be an authorized agent of Ann-Marie Sayers, Indian Canyon (Indian trust
9 land allotted to Ann-Marie Sayers), or the Chualar-Costanoan Indian Tribe of Indian Canyon;
10 iii. from receiving, accessing, or opening incoming mail that is addressed to Plaintiff Kanyon
11 Sayers-Roods, or any person or entity that Plaintiff is serving as an authorized officer, employee,
12 official, or agent within the the limits of Indian Canyon Ranch; and
13 iv. accessing, collecting, or interfering with contracts, commerce, or postmarked mail items
14 at Indian Canyon Road's rural mailbox or post office box, or being physically within five hundred
15 feet of Indian Canyon Road's rural mailbox

16 V. possessing, or using per oral consumption of, marijuana within the limits of Indian
17 Canyon Ranch.

18

19 This Court further declares that:

20

21 i. Defendant Marlene Rita Machado, who was at no time a member of the Chualar-Costanoan
22 Tribe of Indian Canyon, does not have the merit to preserve claim to rights to access the postal
23 office box or rural mailbox of 'Indian Canyon Road,' or any tribal resident, employee, or

1 organization, located on Indian Canyon Road of Hollister, California, listed as a mail recipient or
2 sender, using such federal property of the United States Postal Service, whereby would include the
3 Defendant's preserved claim to right of collecting, opening, transporting, obstructing, concealing,
4 or mutilating, sealed mail items that are postmarked, or have affixed prepaid postage, under the
5 United States Postal Service. .

6

7 ii. Plaintiff Kanyon Sayers-Roods, who is the daughter and Power-of-Attorney for Ann-
8 Marie Sayers of the Chualar-Costanoan Indian Tribe of Indian Canyon, may enjoy her legal right to
9 uphold any tribal land ordinance or Constitutional law within Indian country as prescribed under
10 Federal law and the United States Constitution, as she and her tribal band deem necessary.

11 iii. Parties shall litigate any subject matter of Plaintiff's Cause Claim No. 1 in the Superior
12 Court of California pursuant to 28 U.S.C. 1360. And, therefore, this cause shall have no jurisdiction
13 in this Court.

14 This Temporary Restraining Order shall be effective as of the date and time of its entry and
15 shall remain in effect until the later of fourteen (14) days from such date and time of this Court's
16 entry of an Order with respect to the preliminary injunction sought by Plaintiff.

17

18

19 DATED this ____ day of June, 2022.

20

21 JUDGE

22

23

24